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Attorneys for Defendant
HILTON HOTELS CORPORATION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DOANE ATWOOD, individually and on behalf
of Class of Persons similarly situated,

Plaintiffs,

v.

CITY OF SAN RAFAEL, CHIEF MATTHEW
ODETTO, OFFICER ROLEGIO LEON,
OFFICER ROBERT HENKEL, OFFICER
RICHARD CLARY, OFFICER AARON
PIOMBO, EMBASSY SUITES HOTEL, and
DOES I through X, inclusive,

Defendants.

Case No. CV 08 5002 EMC

**STIPULATION AND ~~PROPOSED~~
ORDER CONDITIONALLY
DISMISSING ACTION**

RECITALS

WHEREAS, Plaintiff DOANE ATWOOD ("Plaintiff") filed this action against
defendants CITY OF SAN RAFAEL, CHIEF MATTHEW ODETTO, OFFICER ROLEGIO
LEON, OFFICER ROBERT HENKEL, OFFICER RICHARD CLARY, OFFICER AARON
PIOMBO AND HILTON HOTEL CORPORATION (erroneously sued as "Embassy Suites
Hotel") ("Defendants") on or about November 3, 2008;

WHEREAS, the Parties attended mediation before the Honorable Charles A. Legge (Ret.)
on June 11, 2009, and reached a general settlement including a release of all claims:

06/17/2009 04:09

#0421 P.002 /002

AGREEMENT

The Parties hereby stipulate to and request the Court issue the following orders:

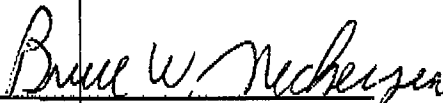
That all court dates and deadlines currently on calendar, including the Case Management Conference set for July 17, 2009, are vacated.

That this matter is deemed conditionally dismissed, pending the consummation of the Parties' settlement, including the execution of a settlement agreement and release of all claims, within 60 days of the Court's Order. Any Party may seek to vacate this conditional dismissal upon written motion to the Court and all other Parties to this action.

Respectfully submitted,

Date: June 17, 2009

BRUCE NICKERSON

By 

Bruce W. Nickerson
Attorney for Plaintiff
DOANE ATWOOD

Date: June 17, 2009

JACKSON LEWIS, LLP

By 

Jamerson C. Allen
Courtney L. McDevitt
Attorneys for Defendant
HILTON HOTELS CORPORATION

Dated: June 17, 2009

BERTRAND, FOX & ELLIOT

By _____

Tom Bertrand
Attorney for Defendants
CITY OF SAN RAFAEL, CHIEF
MATTHEW ODETTO, OFFICER
ROLEGIO LEON, OFFICER
ROBERT HENKEL, OFFICER
RICHARD CLARY, and OFFICER
AARON PIOMBO

PROPOSED ORDER

Based on the foregoing, and good cause so appearing, the Court hereby orders:

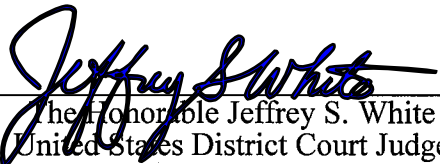
1. The Court recognizes the provisional settlement entered into by the Parties on June 11, 2009, under the auspices of the Honorable Charles A. Legg (Ret.).

2. All court dates and deadlines currently on calendar, including the Case Management Conference set for July 17, 2009, are vacated.

3. This matter is deemed conditionally dismissed, pending the consummation of the Parties' settlement, including the execution of a settlement agreement and release of all claims, within 60 days of the Court's Order. Any Party may vacate this conditional dismissal upon written motion to the Court and all other Parties to this action.

IT IS SO ORDERED.

DATED: June 18, 2009


The Honorable Jeffrey S. White
United States District Court Judge